

July 14, 2004

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Second State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

Re: House Bill No. 2798, H.D.1, S.D.2

On July 13, 2004, House Bill No. 2798, entitled "Relating to the Practice of Pharmacy," became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow pharmacists to administer drugs by intranasal delivery and vaccines orally and by intranasal delivery. Under the current law, a properly trained pharmacist is authorized to administer drugs both orally or by injection and vaccinations by injection, but is not authorized to administer drugs or vaccinations by intranasal delivery.

I am concerned with allowing pharmacists to engage in the intranasal vaccination of clients without the individual's medical doctor prescribing the medication. Live attenuated influenza virus (LAIV) vaccines are relatively new and can be considered volatile.

The administration of such a product could serve public health goals by providing an alternative to inactivated vaccines for appropriate persons. However, the use of live virus vaccine requires selection of appropriate patients based on age, health status, and the health status of close contacts as stipulated in the prescribing information. House Bill No. 2798 could have been strengthened in specifying appropriate safeguards to assure patient safety.

I believe the Centers for Disease Control makes a sound recommendation in advising that the use of LAIV vaccine involve the patient's physician before administering the vaccine, at least for the time being. Thus, we would encourage pharmacists to work closely with the medical community as they undertake this new responsibility.

Therefore, I allowed House Bill No. 2798, H.D.1, S.D.2 to become law as Act 239, effective July 13, 2004, without my signature.

Sincerely,

LINDA LINGLE